

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

AMERICA FIRST POLICY INSTITUTE, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity
as President of the United States, *et al.*,

Defendants.

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Civil Action No.: 2:24-cv-00152-Z

PLAINTIFFS' RESPONSE

In the interests of candor, Plaintiffs respond to Defendants' representations to the Court in ECF No. 21 ¶ 6. Defendants represent that "the parties were engaged in negotiations over a scheduling order ... [in] which they discussed a timeline ... that would largely follow the default briefing deadlines"

Plaintiffs seek to ensure the Court understands Plaintiffs' position. Defendants requested that Plaintiffs confer regarding the possibility of a consolidated briefing schedule in this matter. Consistent with this Court's expectations of professional courtesy, Plaintiffs' counsel joined an 11-minute phone call to listen to Defendants' counsel's suggestions. Plaintiffs' counsel were "actively listening" rather than "discussing" or "negotiating," and advised opposing counsel that their requests would be brought to the attention of the managing partner. Plaintiffs seek a temporary restraining order and would oppose any briefing schedule that would not be conducive to this Court's issuing a TRO before September 16, 2024.

September 11, 2024

Respectfully submitted,

/s/ Kenneth A. Klukowski

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CERTIFICATE OF SERVICE

On September 11, 2024, the foregoing document was filed with the Clerk of Court for the United States District Court, Northern District of Texas using the Court's CM/EC system. I hereby certify that I have served the document on all counsel of record by manner authorized by Federal Rule of Civil Procedure 5(b)(2) (ECF system).

/s/ Kenneth A. Klukowski
Kenneth A. Klukowski
Counsel for Plaintiffs